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Davison, Charles Stewart

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THE CASE

OF THE

"Kronprinz Wilhelm"

AND

"Bernstorffian Diplomacy"

A second letter to Hiram Freeborn U. S. A.

April 14th, 1915

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"—who knows his rights and knowing dares maintain."

"Once to every man and nation comes the moment to decide."

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60 Wall Street, New York,
April 14th, 1915.

HIRAM FREEBORN, Esq.,
U. S. A.

Dear Hiram:—

Your reply to my letter of March 31st is persuasive of your retention of your old characteristics of listening carefully and judging shrewdly and that you often ask a question merely to bring out an anticipated answer; that you may see whether you still agree with yourself when you hear your thought put in another person's language. Therefore it may be assumed, that these further inquiries of yours:—as to the *status* of this second German Sea-Raider which has now come within our waters and as to whether the general course of our diplomacy did not itself evoke the recent unpleasantly recriminative note from the German Ambassador:—are more for the purpose of hearing an echo of your own thought than of seeking any startlingly new light on those subjects. You justly point out that the prior letter anticipated that we would have to "pay" hereafter for errors we might make in our practice as "Neutrals" if we temporized and conciliated in the effort to be "impartial" and you ask whether the *Kronprinz Wilhelm's* return to our waters casts upon us any duty—accompanied by a responsibility arising

from the manner of her departure therefrom—differing in nature from our duties* in regard to the "*Eitel Fritz.*" Of course, the answer is "*No!*"—*so long as the German war continues and it is better policy on the part of those injured by her commerce-raiding not to press any claim.*" But when the German War is over we may perhaps be surprised to find that the true answer was "*Yes!*"—"*and a very distinct duty also.*" Then, if not before, will arise the beginning of the verification of the statement that our course in these matters will cost us a great deal more than we shall have saved and that it will be found that our erroneous viewpoint is beginning "not to pay." The matter of the *Kronprinz Wilhelm* stands briefly upon the record as follows:

On August 3rd, 1914, she left New York Harbor under a false clearance to become a commerce raider.

If she be treated now on her return as free of all prior infraction of our neutrality the basis for a claim after the war is over will be thereby strengthened. Placing the matter squarely upon the administration's ground, that our position should be that of being "impartial" instead of our adopting the rules of neutrality as delimited in international law, such treatment would be equally improper. A vessel cannot leave one of our ports under false clearance, become a commerce raider without returning to a home port, then with entire immunity seek shelter here, without our being chargeable with connivance in her method of original departure.

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* Note: As matter of fact we permitted an infraction of our neutrality by the "Eitel Fritz": that is permitted her to increase her military efficiency in her appointed capacity of commerce-raiding—by taking steps which added several knots per hour to her speed.

To justify a claim on our part of our having been deceived at the time of her departure: and not having been then acquiescent in her improper procedure: our conduct should conform to the exact situation, now that we have full knowledge. Accident having restored the ship to our physical control she should be officially detained under guard and should not be treated as—for example—the *Eitel Fritz* was treated. That is she should neither be permitted to depart nor to "intern"—since "internment" imports agreement to freely release on termination of hostilities.

The facts which lead to the deduction of the vessel's having departed under false clearance to become a commerce raider—eliminating all matter as to which debate, or controversy could arise—are such as reasonably to justify anticipation of a future claim being sustainable (by France but not by England) if we do not clear our skirts at this conjuncture. That is:—If we do not take those disclamatory steps which are now not alone rendered feasible but invited by the circumstance of her entrance into one of our ports, there will arise against us the presumption of prior knowledge or of subsequent acquiescence.

We have been spared the duty of following her up at sea and bringing her back under guard, but we have had thrust upon us—pushed under our noses—the duty of now taking possession of her.

If instead of so doing we treat her as free to depart—by allowing her to coal, provision and repair and by setting a term in which she shall leave or be interned—we shall be liable to be held, since her departure was in contravention of our "Neutrality," to have thereby deliberately assumed responsibility for her acts which, on the

termination of the war, upon a claim being advanced, will result in our being subjected to the payment of the damages incurred. To phrase it in the administration's new nomenclature we shall be shown not to have been "impartial."

The noncontested facts relating to the *Kronprinz Wilhelm* are as follows:

1. On a day certain the vessel arrived at the Port of New York in her capacity of a passenger and cargo steamer, being the property of and operated by a German steamship corporation which was engaged in trading as such between the ports of Bremen and New York.

2. The vessel was then officered and manned by civilians regularly in the employ of her corporate owner.

3. On arrival at the Port of New York she landed her passengers and discharged her cargo.

4. On a day certain the German Empire declared war upon the French Republic.

5. After knowledge reached this country of invasion of France, Luxemburg and Belgium by Germany and the declaration by France that war having been begun by Germany without formal announcement, she; France; was under no obligation to declare war: And after the delayed formal declaration of war upon France by Germany was known throughout the United States; the vessel left the Port of New York of an evening under clearance for the Port of Bremen.

6. When she left the vessel did not have on board her regular civilian crew, but on the contrary had on board a crew composed of German Naval Reservists—and had also on board certain German Naval officers.

7. When she left she was over-provisioned for the voyage to Bremen: having taken on board at

this Port a larger quantity of provisions and supplies than is customary for her to take at this Port.

8. She was also over-coaled: having taken on board a larger amount of coal than is customary.

9. She took no passengers or cargo: substantially all her cargo space was filled with coal.

10. Immediately on clearing the Port of New York she rendered herself inconspicuous by extinguishing all lights except running lights and altered her course—her true course for Bremen being, generally speaking, an easterly course and the course actually taken and maintained without deviation being a southerly course.

11. At the time of leaving she had on her forward deck a heavy case said to contain a spare crank-shaft.

12. At no time, from the time of her leaving the Port of New York until to-day, has she either steered a course for Bremen or visited a German port.

13. Several days after leaving the Port of New York she met an armed German steamer on the high sea in the general vicinity known as the West Indies. From her at sea she obtained certain military armament.

She states that she also transferred to that other armed steamer a certain member of the German Naval Reservists she had shipped in the Port of New York thereby increasing the military efficiency of that other armed steamer.

14. After obtaining such armament she entered upon a course of commerce-raiding, including the destruction of vessels and goods the property of citizens of the French Republic.

15. On a recent day she entered an American

port having on board as prisoners the crews of various vessels which she had destroyed in the course of her commerce-raiding and manned by the remaining portion of tne crew of German Naval Reservists which she had shipped in the Port of New York.

16. The heavy case said to contain a spare crank-shaft is no longer *in situ.*

17. She remains in the Port she recently entered.

These facts would appear to carry with them a responsibility on our part to detain the vessel: not to apply the rules which would be correct for a vessel of war belonging to the navy of a belligerent:—to wit: opportunity to repair and to reprovision sufficiently to enable reaching a home port, or, in the alternative, to allow her to "intern":—but to detain her under arrest.

If it be deemed desirable prior to acting, to create a formal record of the facts above given—an investigation can readily be made. Almost every one of the essential facts given above can be definitely established *a*: from the records of the Custom House in New York City, *b*: from the records of the North German Lloyd Steamship Company in New York City and *c*: from her Log and her Sea-letter (for it is highly improbable that she has a regular commission on board), and *d*: from other official documents now on the vessel.

These being the facts it would appear to be useless to temporize further with or seek in anywise to evade the actual responsibility in this matter cast upon us as "Neutrals." The real situation must be faced necessarily at some time, sooner or later. All steps taken now with a view to temporizing further will only embarass later, will also be cited as precedent against us when the

next incident occurs and will create a belief that we will yield to pressure: which will lead to the exercise of attempted pressure: which, if resisted, will create still deeper animosity. It is better to face a difficult position or an evil at the outset along correct lines than to evade or hope to conciliate by weakness.

Probably the best way at the moment to save our pecuniary responsibility: if that be the end we should seek—abandoning you note the "impartiality" theory as not applicable when our pockets might be involved: would be to notify France of the vessel's presence here and of our willingness to detain her if proofs be offered. In default thereof she could be permitted to depart or to intern. We would not have been "impartial" but we would save our skin.

The recent Bernstorff communication, to come to your second question, affords demonstrative proof of the futility of attempting to conciliate, instead of standing squarely upon prerogative and right, when one is confronted with aggressive methods. And when as in the Bernstorff episode aggression is coupled with actual demands for partiality of treatment: and is accompanied by veiled threats of fomenting internal discord as an alternative if the undue demands are not yielded to: it is broad warning that further pursuit of a conciliatory course will be but to invite greater dissension.

In diplomacy the different nations must necessarily be dealt with in different manners: each in accordance with its national characteristics and with such development thereof under the strain of a particular situation as is appropriate to them respectively at each given time. For Germany to-day in all our dealings with her a simple, plain,

non-argumentative adherence to International Rules with a firm adhering to our Neutral Rights is clearly dictated. Debate, argument, explanation, deprecation, conciliation, and expostulation should find no place in our attitude.

This view you will find corroborated by every American conversant with the mental characteristics of the German race through early education there and long familiarity.

Pray note that by "American" at this point is meant those whose ancestors have fought the British for America at least once—preferably twice." Not those who are of recent German or English or French descent. According to the newspapers an elaborate reply verging even upon meticulosity to the Bernstorff note is contemplated: coupled with detailed explanations of the difference between the situation which arose concerning Mexico and that which exists concerning Germany in relation to the shipment of munitions of war. Such a course will bring on new controversy, accentuate debate, and supply interested parties with opportunity to claim that we have been put in the wrong:—for it would pass the bounds of human endeavor to produce a document of the nature described in which no flaw of example, or imperfection, or inadequacy of expression was discoverable.

Without desiring to be more critical than a situation demands it is also noteworthy that the gravamen of the Bernstorff note rests upon the unfortunate idea of "impartiality" being the very essence of "Neutrality" which has gained currency and credence with us alone: and this only through recent official utterances: and which is an erroneous point of view from which to regard the subject. Adherence to the rules of

"Neutrality" will produce actual impartiality: attempt at "impartiality" will assuredly produce "partiality" (since it requires superhuman judgment in each particular instance which arises) and will induce constant alternate recriminations on each occasion from whichever is the third party to any particular incident.

The present Bernstorff complaint amply illustrates this—it uses back again to us the phrase "*genuine* neutrality": Which we unfortunately used and rings the changes on it—i.e. it says "the *spirit* in which neutrality is enforced": "the *real spirit* of neutrality": "to observe *true* neutrality": "this *spirit* of neutrality": and finally it puts the words "*true spirit* of neutrality" into quotation marks.

While retracing steps to cure an original erroneous conception of a situation may be difficult it is by no means impossible if done when error is recognized. It is also the part of wisdom so to do as soon as the error is apparent. Finally, as being the conservative and statesmanlike course, it recommends itself without apology or explanation.

For the future peace and contentment of the land it would be well if such course were followed.

But it appears in the last few days that the actual situation regarding the Bernstorff note is even less to our credit than was imagined. The note was conveyed to the Department of State during the first few days of April (Bernstorff says April 2nd, Bryan says April 4th). Its receipt was concealed—the talk about translating and re-translating may be disregarded with a smile, as also the talk about Bryan's absence which is known to be irrelevant in such matters. This concealment arose we must assume from a

justifiable fear that its tone would be resented by the people at large. This, however, did not suit the German plans. With typical lack of appreciation of the situation: being encouraged also by our previous attitude: Germany had, it now appears, transmitted the note *for its public effect!* Strange perversity! Extraordinary misapprehension! Typical indeed of her insensate procedure since August 1st, 1914! Justification of the growing belief in a "National Paranoia" having supervened in Germany as the result of her people's intense concentration on militarism during the past fifty years—since *Sadowa-Koeniggratz.* Finding that we suppressed it Bernstorff seems apparently to have arranged none too adroitly but as best he could for its "undiplomatic" promulgation. Doing his duty to his country and doubtless prepared to suffer in his office if thought necessary to sacrifice him as a scape-goat:—it is said that our administration is not absolutely unwont to seek a victim if its hand is forced or one of its members placed in an embarrassing situation.

Surely must it be conceded that step by step the justice of the analysis of the German attitude and the futility of our attitude as given in the former letter are demonstrating themselves: as also the sacrifice of prestige which we have made so uselessly—even from the day when we did not protest at the Belgian horrors. Meanwhile the impairment of the future reputation of our Chief Executive: and the disqualifying of our nation to serve as an element to advance the time of the dawn of "Peace" on a distracted Europe, all from our original error, must be growing patent to every observer.

We should regard these matters in no spirit of opposition, with no desire to render a task more

difficult, with no wish that the conduct of affairs should fail of success: but with a sense of the wisdom of making known: so far as we may and as well here as elsewhere: the fact that all these errors are recognized as errors by the majority of Americans—lest harsh judgment of us and of our country be passed by the nations.

Our newspapers shrink from the truth through a kindly but mistaken impulse and will publish no criticisms of our course in these matters: preferring apparently that in the eyes of the world we should stand branded—by the one side as steeped in selfish cowardice, by the other as praters on impartiality while clutching at pecuniary gain—rather than that they be charged by the interested adherents of one side or the other with not supporting the government in time of strain. But the very best support of the government at all times is the truth: and when the government is in error it is a duty to criticise and in a free country a newspaper can have no higher nor more useful function.

Where policies are dictated by men as to whom one can say: "These have all behind them long "careers marked by broad experience, by deep "knowledge, by patience, by reasonableness, "by high ideals, by self sacrifice, by good judg- "ment, and by reliability" one may feel that the nations are in error and that we shall be ultimately justified of faith. Each of us must consider that question for himself.

Since one does not gather figs from thistles, unless that question can be answered in the affirmative, we may reasonably dread lest the universal condemnation under which we now remain may not have warrant for its existence.

Yours very truly,

Chas. Stewart Davison.

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